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10/766,411

01/27/2004

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11/16/2007

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EXAMINER

KAMAL, SHAHID

ART UNIT

PAPER NUMBER

3621

MAIL DATE

DELIVERY MODE

11/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|--|---|--|--|
| <p align="center">Office Action Summary</p> | <p>Application No.</p> <p align="center">10/766,411</p> | <p>Applicant(s)</p> <p align="center">EMOKE BARABAS ET AL.</p> | |
| | <p>Examiner</p> <p align="center">Shahid Kamal</p> | <p>Art Unit</p> <p align="center">4132</p> | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

KHOI H. TRAN
SUPERVISORY PATENT EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Acknowledgement is made of applicant's claim for prior priority date of U.S. Provisional Patent Application 60/443,523 filed January 28, 2003.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-9, 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weitzman et al. (US Pub. No.: 2002/0099605 A1) in view of Laor (US Patent No.: 6,584,448 B1).

Referring to claim 1, Weitzman et al. discloses a system for distribution and management of electronic vouchers (coupons) comprising: (a) a Carrier Application constituted by a software program operable by a user on a computing device (at least paragraphs 0015, 0036);

(b) a Promotion Code Generator embedded in said Carrier Application configured to generate a unique promotion code when a user operates the Carrier Application in a predetermined manner (at least paragraph 0038).

Weitzman et al. does not expressly disclose (c) an Award Service Website accessible on the Internet which is configured to maintain an award account for a user and to receive a submission

of a promotion code generated by the Promotion Code Generator in a Carrier Application for validation and crediting to the user's award account as a validated promotion award corresponding to the promotion code submitted, whereupon the user can transfer, exchange, and/or redeem the validated promotion award.

Laor discloses (c) an Award Service Website accessible on the Internet which is configured to maintain an award account for a user and to receive a submission of a promotion code generated by the Promotion Code Generator in a Carrier Application for validation and crediting to the user's award account as a validated promotion award corresponding to the promotion code submitted, whereupon the user can transfer, exchange, and/or redeem the validated promotion award (at least column 2, lines 6-24).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Weitzman et al. to include the step(s) taught by Laor as discussed above in order to provide a discount in the purchase price of goods or services or provide access or a modified level of access to the information requested as a function of the electronic coupon.

Referring to claim 3, Weitzman et al. discloses wherein the Cartier Application comprises a set of questions or tasks in an educational or fun game program to be performed by the user, and the user is awarded a promotion code upon achieving a specified level of play, result, or score (at least paragraphs 0039, 0078).

Referring to claim 4, Weitzman et al. discloses wherein the promotion code is generated from one or more parameters of the group consisting of: game name or ID; game copy number; user ID; user age; user location; device type; promotion type; promotion ID; award won; date; time;

promotion code index number; and user score (at least abstract & paragraphs 0003, 0012, 0015, 0038).

Referring to claim 5, Weitzman et al. discloses a Promotion Partners Website accessible by a promotion partner on the Internet which is configured to maintain a promotion account for a promotion partner desiring to initiate an electronic voucher promotion, and to enable the promotion partner to specify parameters for the generation of promotion codes representing respective promotion awards from a selected Carrier Application to be distributed to users in the promotion (at least paragraphs 0048, 0051); and

wherein the promotion codes submitted to the Award Service Website to be validated are sent to the Promotion Partners Website to be checked against the parameters specified for the promotion, and validated promotion award codes are returned to the Award Service Website if the promotion codes fall within the parameters specified for the promotion (at least paragraphs 0052, 0053).

Referring to claim 6, Weitzman et al. discloses A system for distribution and management of electronic vouchers (coupons) comprises: (a) a Promotion Partners Website accessible by a promotion partner on the Internet which is configured to maintain a promotion account for a promotion partner to initiate an electronic voucher promotion, and to enable the promotion partner to specify parameters for the generation of promotion codes representing respective promotion awards from a selected Carrier Application to be distributed to users in the promotion (at least paragraphs 0015, 0036, 0038);

(b) a Cartier Application constituted by a software program operable by a user on a computing device having embedded therein a Promotion Code Generator configured to generate an

electronic voucher represented by a promotion code when the user operates the Cartier Application in a predetermined manner (at least paragraph0038);

(c) means for configuring a Carrier Application selected by a promotion partner on the Promotion Partners Website so that its Promotion Code Generator is loaded with the capability to generate selected promotion codes when a user operates the Carrier Application in the predetermined manner (at least paragraph0038); and

(d) means for distributing copies of the Carrier Application to be operated on computing devices of users participating in the promotion so as to generate promotion codes from their operation of the Cartier Application in the predetermined manner (at least paragraph0038).

Weitzman et al. does not expressly disclose (e) means for allowing users to submit promotion codes generated by the distributed copies of the Carrier Application for validation of promotion awards to the users and for tracking the status of the promotion awards through the participating partner's promotion account.

Laor discloses (e) means for allowing users to submit promotion codes generated by the distributed copies of the Carrier Application for validation of promotion awards to the users and for tracking the status of the promotion awards through the participating partner's promotion account (at least column 2, lines 6-24).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Weitzman et al. to include the step(s) taught by Laor as discussed above in order to provide a discount in the purchase price of goods or services or provide access or a modified level of access to the information requested as a function of the electronic coupon.

Referring to claim 7, Weitzman et al. discloses wherein the Promotion Partners Website is configured to enable a participating partner to initiate a promotion by selecting a Carrier Application and a total number or denominated value of promotion awards to be awarded through the Cartier Application (at least paragraph 0038).

Referring to claim 8, Weitzman et al. does not expressly disclose wherein with each promotion initiated, a Promotion Bank is established in the partner's account to monitor the status of promotion awards validated and/or redeemed in that promotion.

Laor discloses wherein with each promotion initiated, a Promotion Bank is established in the partner's account to monitor the status of promotion awards validated and/or redeemed in that promotion (at least column 2, lines 6-24).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Weitzman et al. to include the step(s) taught by Laor as discussed above in order to provide a discount in the purchase price of goods or services or provide access or a modified level of access to the information requested as a function of the electronic coupon.

Referring to claim 9, Weitzman et al. does not expressly disclose wherein the status of the specified promotion awards in the Promotion Bank is initially "free", but is changed to "validated" with each promotion code that is submitted and validated.

Laor discloses wherein the status of the specified promotion awards in the Promotion Bank is initially "free", but is changed to "validated" with each promotion code that is submitted and validated (at least column 2, lines 6-24).

Therefore, at the time the invention was made, it would have been obvious to a person of

ordinary skill in the art to have modified of Weitzman et al. to include the step(s) taught by Laor as discussed above in order to provide a discount in the purchase price of goods or services or provide access or a modified level of access to the information requested as a function of the electronic coupon.

Referring to claim 11, Weitzman et al. does not expressly disclose wherein copies of the Carrier Application are distributed to users offline through physical distribution channels such as in stores, promotion packs, publication inserts, etc.

Laor discloses wherein copies of the Carrier Application are distributed to users offline through physical distribution channels such as in stores, promotion packs, publication inserts, etc (at least column 2, lines 6-24, column 4, lines 50-67).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Weitzman et al. to include the step(s) taught by Laor as discussed above in order to provide a discount in the purchase price of goods or services or provide access or a modified level of access to the information requested as a function of the electronic coupon.

Referring to claim 12, Weitzman et al. does not expressly disclose an Award Service Website accessible by users on the Internet which is configured to maintain an award account for a user and to receive a submission of a promotion code generated by the Promotion Code Generator to be validated and credited to the user's award account as a validated promotion award corresponding to the promotion code submitted, whereupon the user can transfer, exchange, and/or redeem the validated promotion award with other users or with a participating partner, or with a participating redemption center or website.

Laor discloses an Award Service Website accessible by users on the Internet which is configured to maintain an award account for a user and to receive a submission of a promotion code generated by the Promotion Code Generator to be validated and credited to the user's award account as a validated promotion award corresponding to the promotion code submitted, whereupon the user can transfer, exchange, and/or redeem the validated promotion award with other users or with a participating partner, or with a participating redemption center or website (at least column 2, lines 6-24).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Weitzman et al. to include the step(s) taught by Laor as discussed above in order to provide a discount in the purchase price of goods or services or provide access or a modified level of access to the information requested as a function of the electronic coupon.

Referring to claim 13, Weitzman et al. does not expressly disclose wherein the promotion codes submitted to the Award Service Website are sent to the Promotion Partners Website to be checked against the parameters specified for the promotion, and validated promotion award codes are returned to the Award Service Website if the promotion codes fall within the parameters specified for the promotion.

Laor discloses wherein the promotion codes submitted to the Award Service Website are sent to the Promotion Partners Website to be checked against the parameters specified for the promotion, and validated promotion award codes are returned to the Award Service Website if the promotion codes fall within the parameters specified for the promotion (at least abstract &

column 2, lines 6-24).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Weitzman et al. to include the step(s) taught by Laor as discussed above in order to provide a discount in the purchase price of goods or services or provide access or a modified level of access to the information requested as a function of the electronic coupon.

Referring to claim 14, Weitzman et al. discloses wherein the number of promotion codes and/or number of copies of the Carrier Application distributed is unlimited, while the number of promotion codes that may be validated as promotion awards is limited by the total number or denominated value of promotion awards specified in the Promotion Bank (at least paragraph 0048).

Referring to claim 15, Weitzman et al. discloses wherein when a user redeems a promotion award, the status of the promotion award in the Promotion Bank is changed back to "free", so that the promotion award maintained by the Promotion Bank may be used for validating a next submitted promotion code, whereby promotion awards can be repetitively and re-generatively issued and circulated through the Promotion Bank (at least paragraph 0048).

Referring to claim 16, Weitzman et al. discloses wherein the number of promotion codes and number of copies of the Carrier Application distributed is limited by the total number or denominated value of promotion awards specified for the Promotion Bank, and each copy of the Carrier Application can generate only a limited number of promotion codes that it is loaded with, and promotion codes submitted to the Promotion Bank are validated up to the allowed number or denominated value (at least paragraph 0048).

Referring to claim 17, Weitzman et al. discloses wherein the number of promotion codes and/or number of copies of the Carrier Application distributed is unlimited, and the promotion codes are validated for award points which can be accumulated in the user's award account for redemption of a promotion award from the Promotion Bank, so that an unlimited numbers of award points may be repetitively and re-generatively issued to users, subject to the availability of promotion awards maintained in the Promotion Bank (at least paragraph 0048).

Referring to claim 18, Weitzman et al. discloses a method for distribution of electronic vouchers (coupons) from a software carrier application operable on a computing device comprising: (a) installing a Carrier Application on a user's computing device (at least paragraph 0036);

(b) providing a Promotion Code Generator embedded in said Carrier Application which is configured to generate a promotion code when a user operates the Cartier Application in a predetermined manner (at least paragraph 0038).

Weitzman et al. does not expressly disclose (C) awarding an electronic voucher to the user in the form of a unique promotion code generated by the Promotion Code Generator when the user operates the Carrier Application in the predetermined manner, displaying the promotion code and any associated promotion information to the user on a display interface for the computing device, and storing the generated promotion code in memory on the computing device for later retrieval for validation, exchange and/or redemption.

Laor discloses (C) awarding an electronic voucher to the user in the form of a unique promotion code generated by the Promotion Code Generator when the user operates the Carrier Application in the predetermined manner, displaying the promotion code and any associated

promotion information to the user on a display interface for the computing device, and storing the generated promotion code in memory on the computing device for later retrieval for validation, exchange and/or redemption (at least column 2, lines 6-24).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Weitzman et al. to include the step(s) taught by Laor as discussed above in order to provide a discount in the purchase price of goods or services or provide access or a modified level of access to the information requested as a function of the electronic coupon.

Referring to claim 19, Weitzman et al. discloses wherein promotion codes are repetitively generated whenever the user operates the Carrier Application in the predetermined manner until one or more events of the following group occur: (i) an expiration date for the generation of promotion codes is reached; (ii) an allowed number of promotion codes to be generated is reached and no more codes are to be generated; and (iii) no more promotion awards can be validated for the promotion codes (at least paragraphs 0003, 0012, 0015, 0038).

4. Claims 2, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weitzman et al. (US Pub. No.: 2002/0099605 A1) in view of Kolling et al. (US Patent No.: 5,920,847).

Referring to claim 2, Weitzman et al. does not expressly disclose wherein the computing device is a mobile device from the group consisting of: laptops; PDAs; PDA-phones; and digital phones.

Kolling et al. discloses wherein the computing device is a mobile device from the group consisting of: laptops; PDAs; PDA-phones; and digital phones (at least abstract & column 2,

lines 6-24).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Weitzman et al. to include the step(s) taught by Kolling et al. as discussed above in order to provide a discount in the purchase price of goods or services or provide access or a modified level of access to the information requested as a function of the electronic coupon.

Referring to claim 20, Weitzman et al. does not expressly disclose wherein the Cartier Application is downloadable game software, and the user's computing device is a mobile computing device such as a laptop, PDA, PDA-phone, or digital phone.

Kolling et al. discloses wherein the Cartier Application is a downloadable game software, and the user's computing device is a mobile computing device such as a laptop, PDA, PDA-phone, or digital phone (at least abstract & column 2, lines 6-24).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Weitzman et al. to include the step(s) taught by Kolling et al. as discussed above in order to provide a discount in the purchase price of goods or services or provide access or a modified level of access to the information requested as a function of the electronic coupon.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weitzman et al. (US Pub. No.: 2002/0099605 A1) in view of Koike et al. (US Patent No.: 7,080,042 B2).

Referring to claim 10, Weitzman et al. does not expressly disclose wherein the Carrier Application loaded for generating promotion codes is transmitted to the one or more distribution websites to be used for downloading copies of the Carrier Application to users.

Koike et al. discloses wherein the Carrier Application loaded for generating promotion codes is transmitted to the one or more distribution websites to be used for downloading copies of the Carrier Application to users (at least column 1, lines 37-44, column 3, lines 18-21).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Weitzman et al. to include the step(s) taught by Koike as discussed above in order to provide a discount in the purchase price of goods or services or provide access or a modified level of access to the information requested as a function of the electronic coupon.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the patent examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The Patent examiner can normally be reached on Monday-Thursday (9:00am -7:00pm), Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for this origination where this application or proceeding is assigned is (571) 273-8300.

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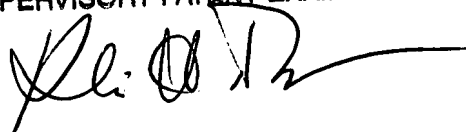
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Shahid Kamal
November 07, 2007

KHOI H. TRAN
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Khoi H. Tran', is written over the printed name and title.